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PRIVATE LAWS

PASSED BY THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF KANSAS,

FOR THE YEAR

1861:

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PRIVATE LAWS.

CHAPTER I.

AN ACT to change the title of the Kansas Valley Bank, Branch at Atchison, Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the name of the Kansas Valley Bank, branch at Atchison, in the Territory of Kansas, shall be changed, and hereby is changed, to the Bank of the State of Kansas. Name changed.

SEC. 2. That the said bank, under the said name of the Bank of the State of Kansas, shall have all the rights, privileges and immunities, and all the liabilities enjoyed by, and incidental to, said bank previous to the passage of this Act. New name and privileges.

SEC. 3. This Act to take effect from and after its passage.

JOHN W. SCOTT,
Speaker of the House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

Approved January 25, 1861.
G. M. BEEBE,
Acting Governor.

CHAPTER II.

AN ACT to amend "An Act establishing Banks at Lawrence, Leavenworth and Wyandott," approved February 11, A. D. 1858.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Power to withdraw securities.

SECTION 1. Any banking association, organized under the provisions of an Act entitled "An Act establishing banks at Lawrence, Leavenworth and Wyandott," passed February 11, A. D. 1858, wishing to withdraw any of the securities deposited with the Treasurer, or Comptroller, may have power to do so by depositing, in lieu thereof, an equal amount of coin, or of the circulating notes, which have been issued to said association, by the Treasurer, or Comptroller, in sums of not less than one thousand dollars; *Provided, however,* That said bonds, to be so withdrawn, shall, at the time of their withdrawal, be estimated at the same current rates at which they were deposited, and said circulating notes shall be taken at the sum or sums specified on their face.

Manner.

Securities, how valued.

SEC. 2. This Act shall take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill having been returned by the Governor, with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER III.

AN ACT to amend an Act entitled "An Act to incorporate the Blue River Bridge Company," approved February 9, 1858.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That section four, of the Act to which this is amendatory, shall read as follows: "Unless said bridge shall be so far completed as to be safe for the crossing of the traveling public, on or before the first day of July, A. D. 1861, this Act shall be void." Extension of time.

SEC. 2. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

Approved January 24, 1861.
G. M. BEEBE,
Acting Governor.

CHAPTER IV.

AN ACT to incorporate the First Congregational Church of Manhattan.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That H. M. Sandford, C. E. Blood, E. B. Smythe, Henry Strong and Charles J. Halstead, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of "The First Congregational Church of Manhattan," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters Corporators. Corporate name and powers.

2 × (3/4)

whatsoever. Said church is authorized to make such rules as may be deemed necessary for the government of said church and the management of its affairs.

Hold estate.

SEC. 2. Said corporation, hereby created, is authorized to purchase, or receive by gift, will, or otherwise, any real estate or personal property, purchased, given, bequeathed, or demised, to said corporation, for the benefit thereof; *Provided, however,*

How much.

That said property, real and personal, shall not exceed in value the sum of ten thousand dollars over and above the value of its church edifice and parsonage and the lots on which they stand; and said corporation is hereby further authorized to dispose of any property, real or personal, acquired as aforesaid, under such rules and regulations as shall hereafter be adopted by said corporation.

Government.

SEC. 3. The said church shall have power to pass such by-laws for the election of such officers, at such time or times as may be necessary to transact the business of the church and promote the object for which it was organized; and said church may determine what number shall constitute a quorum for the transaction of business, and who may vote for officers, or other objects relating to the interests of the church.

First meeting.

SEC. 4. Within six months from the psssage of this Act, a meeting of the members of the First Congregational Society of Manhattan, shall be called, by the clerk thereof, at the church of said society, by causing ten days' notice of said meeting to be given publicly in said church, upon the Sabbath, when the members of said society, or any part thereof, shall be assembled for public worship; and if, at said meeting, called as aforesaid, a majority of the voters of said society present, shall vote to approve of this Act, said corporation, hereby created, shall be the lawful successor of the said First Congregational Society of Manhattan,

Property of former corporation to vest in this.

and all the property, both real and personal, now belonging to said First Congregational Society of Manhattan, shall hereby vest in said corporation, hereby created; and said First Congregational society of Manhattan, is hereby dissolved.

Approval to be recorded.

SEC. 5. The clerk of said society, if it approves, as aforesaid, of this Act, shall cause to be recorded in the office of the register of deeds of Riley county, the notice of such meeting and the proceedings thereof, including the result of said vote.

When take effect.

SEC. 6. This Act shall take effect and be in force from and after the filing of said notice, and a copy of the proceedings of

said meeting, as aforesaid, in the office of the register of deeds of Riley county.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

Approved January 29, 1860[1.]
G. M. BEEBE,
Acting Governor.

CHAPTER V.

AN ACT divorcing William A. Baldwin and Julia S. Baldwin.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the bonds of matrimony now and heretofore existing between William A. Baldwin and Julia S. Baldwin are dissolved, and the said parties restored to all their rights and privileges, as if the said marriage had never been contracted.

Bonds of matrimony dissolved. Parties restored to former rights.

SEC. 2. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor with his objections thereto, and after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law, this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER VI.

AN ACT divorcing Augustus Bilger and Emeline Bilger.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Marriage contract dissolved—restored to former rights.

SECTION 1. That the bonds of matrimony now existing between Augustus Bilger and Emeline Bilger be and the same hereby are dissolved, and declared to be void, and the parties aforesaid are hereby declared to have all the rights and privileges that they would have possessed had such marriage contract never existed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

Approved January 30, 1861.
G. M. BEEBE,
Acting Governor.

CHAPTER VII.

AN ACT divorcing George M. Bittman and Catharine Bittman.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Dissolution of the marriage contract—their rights and privileges.

SECTION 1. That the marriage contract between George M. Bittman and Catharine Bittman be and is hereby declared null and [void,] and that the parties be and hereby are divorced from the bonds of matrimony, and restored to all their rights and privileges, the same as if said marriage contract had never existed.

SEC. 2. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

Approved January 30, 1861.
G. M. BEEBE,
Acting Governor.

CHAPTER VIII.

AN ACT to Divorce Mary Hough and Henry C. Hough.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the marriage contract heretofore existing between Mary Hough and Henry C. Hough, be and the same hereby is declared null and void, and that the parties be and are hereby divorced from the bonds of matrimony, and restored to all their rights and privileges, the same as if said marriage contract had never existed.

Mary Hough and Henry C. Hough divorced from the bonds of matrimony.

SEC. 2. That the said Mary Hough shall hereafter be known by the name of Mary Allen, her maiden name.

Known by her maiden name.

SEC. 3. This Act to take effect and be in force from and after its passage.

W. W. UPDEGRAFF,
President of the Council.
JOHN W. SCOTT,
Speaker of House of Representatives,

This Bill, having been returned by the Governor, without the signature, and with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law, this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER IX.

AN ACT Divorcing Clark W. Lewis and Sarah Lewis.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the marriage contract now existing between Clark W. Lewis and Sarah Lewis, be and the same is hereby declared null and void, and that the said parties are hereby restored to all the rights and privileges they possessed previous to the existence of said marriage contract.

Divorce of Clark W. Lewis and Sarah Lewis—their privileges.

SEC. 2. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor, with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER X.

AN ACT divorcing Joseph G. Loring and Seraphina Martnez Loring.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Marriage relation dissolved—parties restored to former rights.

SECTION 1. That the marriage relation heretofore existing between Joseph G. Loring and Seraphina Martinez Loring, be and the same is hereby dissolved, and all the rights and privileges of the said Joseph G. Loring, existing prior to said marriage with the said Seraphina Martinez, are hereby restored to him.

SEC. 2. This Act shall take effect and be in force from and after its passage.

W. W. UPDEGRAFF,
President of the Council.
JOHN W. SCOTT,
Speaker of House of Reprerentatives.

This Bill, having been returned by the Governor without his signature, and with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law, this second day of February, A. D. 1861.

W. W. UPDEGRAFF,
President of the Councll.
JOHN W. SCOTT,
Speaker of House of Representatives.

CHAPTER XI.

AN ACT divorcing George W. Lovelace and Sarah Lovelace.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the bonds of matrimony now existing between George W. Lovelace and Sarah Lovelace, be and the same and hereby dissolved and declared to be void, and the parties aforesaid are hereby declared to have all the rights and privileges that they would have possessed had such marriage contract never existed.

Divorce of George W. Lovelace and Sarah Lovelace—rights and privileges.

SEC. 2. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill having been returned by the Governor without his signature, and with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law this second day of February, A. D. 1861.

W. W. UPDEGRAFF,
President of the Council.
JOHN W. SCOTT,
Speaker of House Representatives.

CHAPTER XII.

AN ACT divorcing Marcus Mallery and Angeline Mallery.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the marriage contract between Marcus Mallery and Angeline Mallery, be and the same is hereby declared to be null and void, and the parties are restored to all their rights and privileges, the same as if said contract had never existed.

Marcus Mallery and Angeline Mallery released from marriage contract and restored to former rights.

SEC. 2. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law, this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER XIII.

AN ACT divorcing Susan E. Marquette and Stephen M. Marquette.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Susan E. Marquette & Stephen M. Marquette divorced from the marriage contract and restored to former rights.

SECTION 1. That the marriage relation existing between Susan E. Marquette and Stephen M. Marquette, be and the same is hereby dissolved and made of no effect, and that all the rights and privileges of the said Susan E. Marquette, existing prior to her entering into the said marriage relation with the said Stephen M. Marquette, are hereby restored to her.

SEC. 2. This Act shall take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor with his objections thereto, and after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law, this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER XIV.

AN ACT divorcing Ellen Jane Moore.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Ellen Jane Moore released from matrimonial relations and restored to former rights.

SECTION 1. That Ellen Jane Moore be and hereby is divorced from her husband, James L. Moore, and is hereby released from all the bonds of matrimony and incidents thereto, and is hereby restored to all the privileges of a single woman, and has power to change her name and be hereafter known in her maiden name.

SEC. 2. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor without his signature, and with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law, this second day of February, A. D. 1861.

W. W. UPDEGRAFF,
President of the Council.
JOHN W. SCOTT,
Speaker of the House of Representatives.

CHAPTER XV.

AN ACT divorcing Harriet L. Parker and Howard E. Parker.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Harriet L. Parker and Howard E. Parker divorced, and restored to former rights.

SECTION 1. That the bonds of matrimony now existing between Harriet L. Parker and Howard E. Parker, her husband, be and the same are hereby dissolved and declared to be void, and the parties aforesaid are hereby declared to have all the rights and privileges that they would have possessed had such marriage contract never existed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives,
W. W. UPDEGRAFF,
President of the Council.

Approved January 30, 1861.
G. M. BEEBE,
Acting Governor.

CHAPTER XVI.

AN ACT divorcing Henry Smith and Harriet Smith.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Henry Smith and Harriet Smith released from marriage contract.

SECTION 1. That the bonds of matrimony now existing between Henry Smith and Harriet Smith, his wife, be and the same are hereby dissolved and declared to be void, and the parties aforesaid are hereby declared to have all the rights and privileges that they would have possessed had such marriage contract never existed.

Rights and privileges.

SEC. 2. This Act shall take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

Approved January 30, 1861.
G. M. BEEBE,
Acting Governor.

CHAPTER XVII.

AN ACT divorcing Anson B. Spinney and Margaret Jane Spinney.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Divorce of Anson B. Spinney and Margaret Jane Spinney—parties restored to former rights.

SECTION 1. That the marriage contract between Anson B. Spinney and Margaret Jane Spinney, be and the same is hereby declared null and void, and that the said parties, hereby divorced, are restored to all their rights and privileges, the same as if said marriage contract had never existed.

SEC. 2. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor, with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER XVIII.

AN ACT divorcing Rodentia F. Stephens and A. L. Stephens.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Rodentia F. Stephens and A. L. Stephens divorced from marriage contract—rights and privileges.

SECTION 1. That the bonds of matrimony now existing between Rodentia F. Stevens and Abraham L. Stevens, her husband, be and the same are hereby dissolved and declared to be void, and the parties aforesaid are hereby declared to have all the

rights and privileges that they would have possessed had such marriage contract never existed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
Speaker of the Council.

This Bill having been returned by the Governor with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER XIX.

AN ACT to divorce Almarinda P. Todd and Henry R. Todd.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Divorce of Almarinda P. Todd and H. R. Todd.

SECTION 1. That the marriage contract between Almarinda P. Todd and Henry R. Todd, be and the same is hereby declared null and void, and the said parties be and are hereby released from the bonds of matrimony.

SEC. 2. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

Approved January 31, 1861.
G. M. BEEBE,
Acting Governor.

CHAPTER XX.

AN ACT divorcing John Van Delft and Laura Van Delft.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the bonds of matrimony now and heretofore existing between John Van Delft and Laura Van Delft, are dissolved, and the said parties restored to all their rights and privileges, as if said marriage had never been contracted. Divorce of John Van Delft and Laura Van Delft, and restoration of former rights.

SEC. 2. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill having been returned by the Governor without his signature, and with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER XXI.

AN ACT to divorce Lucy Van Tifflin and Schuyler Van Tifflin.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the marriage contract, heretofore existing between Lucy Van Tifflin and Schuyler Van Tifflin, be and the same is hereby declared null and void, and that the said parties be and they are hereby divorced from the bonds of matrimony Lucy Van Tifflin and Schuyler Van Tifflin restored to former rights and privileges.

and restored to all their rights and privileges, the same as if said marriage contract had never existed.

SEC. 2. That the said Lucy Van Tifflin is hereby restored to her maiden name.

SEC. 3. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of the House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor without his signature, and with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law, this second day of February, A. D. 1861.

W. W. UPDEGRAFF,
President of the Council.
JOHN W. SCOTT,
Speaker of the House of Representatives

CHAPTER XXII.

AN ACT entitled an Act to divorce Sabra J. Wells from Alpheus Wells.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Sabra J. Wells and Alpheus Wells divorced from the bonds of matrimony and restored to former rights.

SECTION 1. That the marriage contract between Sabra J. Wells and Alpheus Wells, be and is hereby declared null and void, and the said parties be and are hereby divorced from the bonds of matrimony, and restored to all their rights and privileges, the same as if said marriage contract had never existed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

Approved January 30, 1861.
G. M. BEEBE,
Acting Governor.

CHAPTER XXIII.

AN ACT to divorce William West and Mary Ann West.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Wm. West and Mary Ann West divorced — restoration of rights.

SECTION 1. That the marriage contract, heretofore existing between William West and Mary Ann West, is hereby declared null and void, and that the said parties be and they are hereby divorced from the bonds of matrimony, and they are hereby restored to all their rights and privileges, the same as if said marriage contract had never existed.

SEC. 2. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor without his signature, and with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law this second day of February, A. D. 1861.

W. W. UPDEGRAFF,
President of the Council.
JOHN W. SCOTT,
Speaker of House of Representatives.

CHAPTER XXIV.

AN ACT divorcing James P. Whitney and Harriet N. Whitney.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Divorce of J. P. Whitney and H. N. Whitney. Rights restored.

SECTION 1. That the marriage contract between James P. Whitney and Harriet N. Whitney be and is hereby declared null

and void, and that the said James P. Whitney and Harriet N. Whitney be and hereby are divorced from the bonds of matrimony and be restored to all their respective rights and privileges, in the same manner and condition as if said marriage contract had never existed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor without his signature, and with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it become a law this second day of February, A. D. 1861.

W. W. UPDEGRAFF,
President of the Council.
JOHN W. SCOTT,
Speaker of House of Representatives.

CHAPTER XXV.

AN ACT establishing a Branch Department of Baker University, by the Kansas Education Association of the Methodist Episcopal Church, approved February 3, 1858.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Corporators. SECTION 1. That, for the purpose of diffusing and promoting science and education in Kansas, W. R. Davis, M. L. Thompson, H. H. Moore, L. B. Dennis, together with such others as they may select, the whole number not to exceed eleven at any one time, and their successors, are hereby created and constituted a Name and powers body corporate and politic, under the name and style of the "Associate Trustees of Baker University." They shall have all the powers and privileges conferred, and be subject to all the restrictions imposed upon, (as applied to the department over which they preside,) the trustees of Baker University, in an Act

entitled "An Act to incorporate Baker University," approved February 12, 1858, with the exception of section two of said Act.

Branch department.

SEC. 2. That, in pursuance of the above named object, said trustees shall have full power to establish, at any point in Kansas, a branch department of said University, wherein may be taught all the branches of science and art generally taught in such institutions of learning; and the trustees thereof are authorized, in conjunction with the president of Baker University, to confer such degrees in the learned and liberal professions as are usually conferred by such institutions.

Term of office—vacancy.

SEC. 3. Each trustee shall hold his office during good behavior, or until removed for sufficient cause, by a two-third vote of the remaining trustees, and when a vacancy shall occur in said board, from any cause, the same shall be filled by a majority of the remaining board, at as early a period as practicable. Five of said board shall constitute a quorum for transacting business, and absent members may vote by proxy.

Quorum.

Consultations with Executive Board of Baker University.

SEC. 4. Whenever it may be thought advisable so to do by a majority of the trustees, a consultation for the interests of the institution may be held with the executive board of Baker University, upon which occasion said board shall be entitled to one vote.

SEC. 5. This Act is hereby declared a public Act, and shall take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor, with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law, this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of the House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER XXVI.

AN ACT to incorporate the Eudora Seminary Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Corporators.

SECTION 1. That Chas. Duer, Julius Karnasch, Julius Fischer, Jno. C. Dunn, C. Marfillius, A. Thoman, Henry Whitker, August Ziesniz, Frederick Farber, their associates and successors, are hereby constituted a body politic and corporate, by the name

Name and powers

and style of the "Eudora Seminary Association," and, by that name, shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said association is authorized to have and use a common seal, to alter the same at pleasure, and to make such by-laws as may be necessary for the government of said association and the management of its affairs.

Of estate.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land, at or contiguous to Eudora, not exceeding six hundred and forty acres, and shall have power to lay the same off in lots, squares, avenues, streets and alleys, and to sell and dispose of and convey the same, in any manner they may decide as to the interest of said association.

Government.

SEC. 3. Said company shall have power to pass by-laws for the election of such officers, at such time or times as may be necessary, to carry out the business of said association; and all deeds for the conveyance of the real estate of the association shall be signed by such officers as the said Association may, by its by-laws, designate, which deeds shall be acknowledged and recorded as other deeds of conveyance, and, when so made and acknowledged, shall be deemed and held a sufficient execution of the same, in all courts of law in this Territory.

May erect buildings.

SEC. 4. Said association shall have further power to erect, at Eudora a seminary of learning, and shall prescribe rules and regulations for the government thereof; may provide for the erection of the necessary buildings, and receive donations, in money, or

Donations.

in property, real, personal or mixed, not exceeding the amount of one hundred thousand dollars, and may do all other acts and things necessary to carry out the provisions of this Act, not inconsistent with the provisions thereof.

SEC. 5. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT.
Speaker of House of Representatives.
W. W. UPDEGRAFF.
President of the Council.

This Bill, having been returned by the Governor, with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of the House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER XXVII.

AN ACT to incorporate the Episcopal Female Seminary of Topeka.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That N. O. Preston, Rush Elmore, Wilson Shannon, Cyrus K. Holliday, J. W. Bodine, George Fairchild and J. Ryan are hereby constituted a body corporate, under the name and style of the "Episcopal Female Seminary of Topeka;" and they shall have perpetual succession, and a common seal, and, in their corporate capacity, may sue and be sued, plead and be impleaded, defend and be defended, in all the courts whatsoever. Corporators. Name and powers

SEC. 2. That the said board of trustees shall have power to receive and acquire, recover and hold, any money or real or personal property or estate, that may be granted, donated or devised for the use of said institution, or already subscribed therefor, not exceeding in value the sum of fifty thousand dollars, and to dispose of any such property in such manner as will best promote the object of their organization. Of estate.

SEC. 3. That said corporation shall have power to confer all literary honors and degrees conferred by similar institutions, and May confer honors.

to create such other degrees as may best promote the education of pupils.

Faculty and other officers.

SEC. 4. That said board of trustees is hereby empowered to elect a faculty, appoint or elect professors, tutors, and such other officers as the interests of the institution may require. They may, also, displace the same, for sufficient reasons, and may make such by-laws and regulations as will, in their opinion, further the interests of the seminary.

Exempt from taxation.

SEC. 5. That the property held and owned by said corporation shall be exempt from all taxation whatever.

Elections.

SEC. 6. That the board of trustees shall be elected at each annual convention of the Protestant Episcopal Church in the diocese of Kansas: *Provided, however*, if there be no election, the old board to continue in office until their successors are elected.

SEC. 7. This Act shall take effect immediately.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law, this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER XXVIII.

AN ACT to incorporate the Farmers' and Mechanics' Educational Association of Bloomington, Douglas County, Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Name and powers

SECTION 1. That the association hereby incorporated shall be known as the Farmers' and Mechanics' Educational Association of Bloomington, Douglas county, Kansas Territory, and by that

name and style shall have perpetual succession; shall have power to contract and be contracted with; to receive, hold, purchase or sell real or personal estate, not exceeding in value the sum of fifteen thousand dollars, over and above the institute buildings and grounds on which they are situated; to sue or be sued, to plead or be impleaded in all courts and places, and in all matters whatsoever; may have and use a common seal and alter the same at pleasure, and may make, ordain and put in execution such by-laws, ordinances, rules and regulations as shall be deemed proper and necessary for the good government of said association, or the efficient and prudent management of its affairs; *Provided*, That nothing be done contrary to the constitution of the United States or the laws Kansas.

Of Officers.

SEC. 2. The officers of this association shall consist of seven persons, to wit: President, vice president, recording secretary, corresponding secretary, treasurer and two directors, who shall constitute a board of Trustees, or executive committee, and who shall be annually chosen by the members of this association, from their own body, on the first Monday in December. Said officers shall hold their offices for the term of one year, commencing with the first Monday in January, and until their successors are duly qualified. They shall have power to fill any and all vacancies, that may occur in this body, during the year. It shall be their duty to superintend the interests of this association, and, before entering upon their duties as officers of this association, they shall each take and subscribe an oath, or affirmation, which may be administered by any one of their own number, faithfully, impartially and to the best of their ability, to discharge the duties imposed upon them by this Act.

President—duties and powers.

SEC. 3. The president shall preside at the meetings of both the executive committee and the association; may call special meetings of either, when he may deem it necessary; shall have power to administer oaths or affirmations in all matters appertaining to this association, and have power to exercise all other functions commonly assigned to the presiding officer of corporate bodies.

Vice President.

SEC. 4. The vice president shall exercise all the functions of the president, during his absence or disability to act.

Recording Secretary.

SEC. 5. The recording secretary shall keep a faithful record of the proceedings of this association, as well as all accounts and papers appertaining to the same. He shall be *ex-officio* secretary of the executive committee. He shall have power to appoint a deputy, when needed, and, in the absence or disability of the

president and vice-president, he shall exercise the duties of the former. He shall at all times hold the books, accounts and papers of the association subject to the inspection of any member wishing to see them, and perform all other dutites commonly assigned to such office.

Corresponding Secretary.

SEC. 6. The corresponding secretary shall faithfully attend to the corresponding of the association, and, in the absence or disability of the recording secretary, shall perform the duties devolving upon that officer.

Treasurer.

SEC. 7. The treasurer shall receive all moneys, coming to this association, from the hands of the recording secretary, and pay the same over upon the order of the president, countersigned by the recording secretary; and, in the absence or disability of the recording secretary, or while he may be performing the duties of the president, it shall be the duty of the corresponding secretary to countersign the orders upon the treasurer. He shall keep an accurate account of all receipts and disemburserments, and annually make out an exhibit to that effect. Before entering upon the duties of his office he shall execute a bond, with at least three securities, approved by the executive committee, conditioned for the faithful performance of all his duties as treasurer.

Remaining members.

SEC. 8. It shall be the duty of the remaining members of the board of trustees to participate in the deliberations at the meetings of the executive committee, and perform such other duties as will, in their judgment, best promote the objects for which this association is instituted.

Objects of association.

SEC. 9. The objects of this association shall be to found a library, to institute a system of literary and scientific lectures, and furnish such other educational appliances as will insure the diffusion of useful knowledge. To attain these ends, it shall be the duty of said board of trustees, or executive committee, to solicit donations, at home and abroad, to be applied in the erection of an educational edifice in Bloomington, Douglas county, Kansas Territory, to be known as the Farmers' and Mechanics' Institute of Bloomington, and to be of such size and description as may seem most advisable, in the judgment of said executive committee.

Who may become members.

SEC. 10. Any person may become a member of this association by the consent of two thirds of the members present at any regular meeting, and paying into the Treasury the sum of one dollar.

Association meetings.

SEC. 11. The regular meetings of the association shall be held annually on the first Monday in December.

SEC. 12. The regular meetings of the executive committee shall be held quarterly on such day as may be designated by the members thereof. Executive Committee—meetings.

SEC. 13. Shubal Swain, James C. Steele, Wm. A. Selkregg, Wm. S. Hughes, Henry Stokes, P. H. Berkau and Abel Yates are hereby constituted the first board of trustees of this association. First Board Trustees.

SEC. 14. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law, this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER XXIX.

AN ACT to incorporate the Lawrence University of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. An institution of learning is hereby created and established, at the city of Lawrence, or within two miles of said city, in the county of Douglas, and the Territory of Kansas, to be known as the "Lawrence University of Kansas," to promote and encourage the diffusion of knowledge in all its branches. University located. Name.

SEC. 2. The university shall be under the management, direction and government of a board of trustees, not exceeding eighteen, exclusive of *ex officio* members, a majority of whom shall constitute a quorum for the transaction of all business that may come before them; and the bishop of the Protestant Episcopal Government.

Bishop of P. E. C. ex officio member.

church in the diocese of Kansas, for the time being, shall be, *ex officio*, a member of said board, and president of the same.

First Trustees.

SEC. 3. The first board of trustees shall consist of the following persons, to wit: Charles Reynolds, Charles Robinson, C. E. Miner, H. J. Canniff, C. W. Babcock, George W. Deitzler, William H. Hickcox, George W. Smith, J. M. Bodine, Caleb S. Pratt, Samuel Reynolds, George Ford, James Blood, N. O. Preston, John Foreman, R. G. Elliott, L. Bullene and S. A. Riggs, and their successors in office, are hereby created a body politic and corporate, and shall have perpetual succession, and a common

Seal.

seal, the same to change or alter at pleasure, with which all deeds, diplomas and acts of said corporation shall be authenticated, under the direction of said trustees.

Power of Trustees

SEC. 4. The persons named in the third section, and their successors in office, shall be known and styled "The Trustees of the Lawrence University of Kansas," and, by that name and in their corporate capacity, may contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended against, in any court of law or equity in this Territory or elsewhere; and

Hold and convey estate.

said trustees shall have full power, in their corporate capacity, to to hold, by gift, grant, demise, devise or otherwise, any lands, tenements, messuages, hereditaments, moneys, goods or chattels, of what kind soever the same may be, which are or may hereafter be given, granted, demised, devised, bequeathed to or purchased by them, not exceeding the sum of one million of dollars, for and to the use of said University, and may sell and dispose of the same or any part thereof, or lease, rent or improve, in such manner as they may think most conducive to the interest and prosperity of said institution.

Application of property-branches of education.

SEC. 5. The property, real, personal and mixed, authorized to be held by said corporation, shall be held and applied in good faith for the purposes of education in the various departments of scientific, literary, theological and legal instruction, and for no other purpose. Any donation made for any special object, shall

Shall not deal in exchange, &c.

be faithfully applied thereto; and the said corporation shall not deal in exchange, discount of notes, or in any commercial business or pursuits whatever.

Of first meeting.

SEC. 6. The person first named as trustee, or, in case of his neglect or refusal to act, any other trustee, shall give reasonable notice of the time and place of holding the first meeting of the trustees; and, if a quorum shall not attend, a less number may

Officers to be elected.

adjourn from day to day, and send for absent members, and, on the attendance of a quorum thereof, elect a vice-president, secre-

tary, treasurer, and an executive committee of their own body, and shall then, and from time to time, make and establish such by-laws as they may deem necessary and proper, not inconsistent with the laws of the Territory or State of Kansas, or the constitution and laws of the United States, and may determine the number of regular meetings they will hold in each year; and the president and vice-president may call special meetings, on the application of not less than five members of the board, in writing, and the secretary shall give reasonable notice of the time and place of all meetings of the board. Government.

SEC. 7. The trustees shall have power to fill all vacancies that shall occur in the board, by death, resignation or otherwise, and the seat of any trustee, except those who are *ex officio* members of the board, may be vacated by a vote of two-thirds of all the trustees. Vacancies.

SEC. 8. The trustees hereinbefore mentioned shall be divided into three classes of six each, in the order of the names as arranged in section third; the first class to go out of office on the day of the first annual commencement of the university, the second class on the day of the second annual commencement, and the third class on the day of the third annual commencement, and in the same manner forever after, so that one-third of the whole number shall go out of office annually; and, of the vacancies thus annually created, three shall be filled by the board of trustees, and three by the standing committee of the diocese of Kansas, by the nomination of the bishop of the Protestant Episcopal church of said diocese for the time being: *Provided, however*, That the members of said board shall hold their offices until their successors shall be appointed and qualified. Trustees classified. Expired terms—how filled. To continue in office.

SEC. 9. The treasurer, before entering upon the discharge of the duties of his office, shall give bonds, with security, for the faithful discharge of the same, the amount of the bond and the sufficiency of the sureties to be approved by a majority of the board of trustees, and no member of the board shall be received as such security. He shall take charge of the funds of the university which may be placed in his hands by the order of the board or in any other manner, and shall perform such other duties as may be prescribed by the board. Treasurer.

SEC. 10. The secretary shall keep a fair record of the proceedings of the trustees, which he shall enter in a book to be provided for that purpose, subject to the examination of all donors of the institution, and shall perform such other services as shall be directed by the trustees. Secretary.

President.

SEC. 11. The president shall preside at all meetings of the board, and, in case of his absence, the vice-president shall supply his place, and he shall perform such other duties as the board may direct.

President, Professors, &c., appointed.

SEC. 12. The board of trustees shall have the power to appoint, from time to time, a president, professors, teachers, and other officers, to conduct and manage the university, in all its various departments, and to remove them from office, if necessary; to fix their compensation, and to increase or diminish the same, as circumstances may require.

Course of study—terms of admission—discipline.

SEC. 13. The board of trustees may prescribe the course of study to be pursued in said university, and the terms of admission into the same, and to make and enforce such rules and regulations as may be deemed necessary for the good government and discipline of the same; and the said board of trustees may commence the operations of said university in either one or two or all of the departments hereinbefore set forth, whenever they may deem it wise and prudent.

Conferring honors.

SEC. 14. The trustees of said university shall prescribe such rules and regulations in the conferring of honors and giving diplomas as they may deem useful and necessary.

Agricultural department

SEC. 15. The trustees shall have power and authority to establish an agricultural department, with separate professors, to test soils, experiment upon the raising of crops, the cultivation of trees, &c., upon a separate farm, set apart for that purpose, so as to bring out to the utmost practical result the agricultural advantages of Kansas.

When to erect buildings.

SEC. 16. That, so soon as the necessary funds can be raised, by donations or otherwise, as will, in the opinion of the board of trustees, warrant a commencement of the purposes of said university, they may then proceed to erect buildings, and make all preparations necessary for instruction in one, two or all of the departments aforesaid.

Endowment.

SEC. 17. The board of trustees may take such measures in regard to the endowment of said university as they may think proper.

SEC. 18. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

Approved January 29, 1861.

G. M. BEEBE,
Acting Governor.

CHAPTER XXX.

AN ACT to establish a Ferry at the Town of De Soto.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Grantees and location.

SECTION 1. That Warren Kimball and George W. Fraim shall have the right to establish and maintain a ferry at the town of De Soto, in the county of Johnson, crossing the Kansas river at that point.

When to establish ferry.

SEC. 2. That the said Warren Kimball and George W. Fraim are required, within six months from the date of this Act, to have and establish a good and sufficient ferry for crossing the Kansas river, at a point on said river called De Soto, in Johnson county, Kansas Territory; and, in case the said Warren Kimball and George W. Fraim neglect to provide such ferry within the time herein mentioned, then the rights and privileges conferred upon them shall be forfeited.

Neglect to work, forfeiture.

Requirements, and discretion in running boat.

SEC. 3. That the said Warren Kimball and George W. Fraim are required to provide a suitable and convenient boat, with necessary appurtenances, for ferrying at all times: *Provided*, That nothing in this section shall be construed to make the said Warren Kimball and George W. Fraim liable, upon the bond hereinafter mentioned, in consequence of a refusal to ferry when it is extremely hazardous or difficult to make the crossing.

Rates of ferriage.

SEC. 4. That the rates of ferriage to be charged at said ferry shall be such as shall, from time to time, be prescribed by the tribunal transacting county business for the county of Johnson, aforesaid. And it shall be the duty of the said Kimball and Fraim to post, or cause to be posted, a table of their rates of ferriage, at the place of ferrying, as soon as they shall have commenced operations under this Act, and shall not demand or collect ferriage until such notice is so posted.

Shall give bond, its purpose.

SEC. 5. That the said Warren Kimball and George W. Fraim shall, before exercising any of the privileges conferred by this Act, execute, to the Territory of Kansas a bond, with sureties, in the sum of two thousand dollars, to be approved by the clerk of the board of county commissioners of the county in which said ferry is situated, conditioned for the faithful performance of the duties imposed by this Act. And such bond, after being so ap-

proved, shall be filed in the office of the clerk aforesaid. Any party, aggrieved by the violation of the conditions of said bond, may sue thereon in the name of the Territory of Kansas, but, in all such cases, the judgment shall be for the damage actually sustained by the party instituting the suit.

Privilege exclusive.

SEC. 6. That this Act shall be construed to give the said Warren Kimball and George W. Fraim the exclusive privilege to establish and maintain a ferry at the town of De Soto, aforesaid, and for two miles up and down the said Kansas river. The right of said Kimball and Fraim to land upon the north side of said river, and to construct as many road ways to the ferry aforesaid as are necessary, shall in no wise be interfered with.

Roadways.

Term of grant.

SEC. 7. That the charter hereby granted shall extend for a term of fifteen years.

SEC. 8. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

Approved January 25, 1861.
G. M. BEEBE,
Acting Governor.

CHAPTER XXXI.

AN ACT to charter a Ferry across the Grasshopper river.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Grantee—location of ferry.

SECTION 1. That John C. Bailey, his heirs and assigns, are hereby authorized to keep a ferry across the Grasshopper river, in Jefferson county, at or near the junction of said river with the Kansas river; and shall have the exclusive right and privilege of keeping a ferry within the distance of three miles, in a direct line from the mouth of said river to any point on the same, for the term of ten years from the passage of this Act.

SEC. 2. That the said John C. Bailey, his heirs and assigns, shall keep a good and substantial boat or boats, sufficient to cross the traveling public, and shall cause the same to be manned by good and safe hands. Of boats.

SEC. 3. That the board of supervisors, or tribunal transacting county business in and for the county in which said ferry shall be situated, is hereby authorized and required to fix the fees for ferriage across said ferry, from time to time, as they may deem proper; *Provided*, Said fees shall not, at any time, be reduced below the fees usually charged on such ferries. Rates of ferriage.

SEC. 4. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

Approved January 31, 1861.
G. M. BEEBE,
Acting Governor.

CHAPTER XXXII.

AN ACT to establish a Ferry across the Kansas river.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That Robert Walker and James P. Iddings, their heirs and assigns, are hereby authorized to keep a ferry across the Kansas river, at or near the mouth of Soldier creek, in Shawnee county, and shall have the exclusive right and privilege of keeping a ferry within the distance of one mile, up and down said river, from the mouth of said creek, for the term of fifteen years. Grantees-location of grant. Term.

SEC. 2. That the said Robert Walker and James P. Iddings, shall keep a good and substantial boat or boats, sufficient to cross the traveling public, and shall cause the same to be manned by good and safe hands. Of boats.

SEC. 3. That the board of county commissioners of the county in which said ferry is situated, may, from time to time, fix the Rates of ferriage.

fees for ferriage across said river as they may deem proper, not less than the usual rates at other ferries in said county.

Time to repair boats.

SEC. 4. That the said Robert Walker and James P. Iddings, their heirs and assigns, shall keep said ferry and its appurtenances in good order and repair, but shall be allowed a reasonable time to repair, or, in case of loss of a boat, to purchase another.

Not land without consent of other parties.

SEC. 5. That said Robert Walker and James P. Iddings, their heirs nor assigns, shall be allowed to land said boat or boats on the lands of any other person, without the consent of such person, his guardian, trustee or agent.

SEC. 6. That a noncompliance with the provisions of this Act, shall work a forfeiture of its privileges.

SEC. 7. This Act shall take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.

W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor, with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives.

W. W. UPDEGRAFF,
President of the Council.

CHAPTER XXXIII.

AN ACT to Incorporate the Lawrence Ferry Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Grantees — name and powers.

SECTION 1. That Horace L. Enos, Caleb S. Pratt, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of the "Lawrence Ferry Company;" and, by that name, shall contract and be contracted with, sue and be sued, plead and be impleaded, defend and be

defended against, in all courts of law or equity in this Territory or elsewhere; they shall have power to make such rules and regulations, not inconsistent with this Act or the laws of the Territory, that may be necessary for the management of the affairs of the company.

When to complete ferry.

SEC. 2. That the said company are required, within three months from the passage of this Act, to have or establish a good and sufficient ferry for crossing the Kansas river, at Lawrence, in the county of Douglas, Kansas Territory; and, in case the said company neglect to provide such ferry within the time mentioned, then the rights and privileges conferred upon said company shall be forfeited.

Forfeiture.

Of boats.

SEC. 3. That the said company are required to provide a suitable and convenient boat, with necessary and convenient appurtenances, for the ferrying at all times: *Provided*, That nothing in this section shall be construed to make the said company liable, upon the bond hereinafter mentioned, in consequence of a refusal to ferry whenever it is hazardous or extremely difficult to make the crossing.

Discretion in running boat.

Rates of ferriage.

SEC. 4. That the commissioners of the county of Douglas shall be authorized and required to regulate the rates of toll for crossing said river, from time to time, as the same may be deemed proper.

Shall give bond.

SEC. 5. That the said company shall, before exercising any of the privileges conferred by this Act, execute a bond to the Territory of Kansas, with sureties, in the sum of four thousand dollars, to be approved and filed, in accordance with the general law now in force, regulating ferries.

Extent of privilege.

SEC. 6. That this Act shall give to said company the exclusive privilege to establish and maintain a ferry at the city of Lawrence, aforesaid, and for one mile up and down the said Kansas river, and the right to land upon the north side of said river, and to construct as many roads or ways to the ferry aforesaid, as may be necessary for the full enjoyment of the same.

Right to land—Roads or ways.

Term of grant.

SEC. 7. That the corporation created by this Act shall exist fourteen years.

SEC. 8. This Act to be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.

W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor, with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives,
W. W. UPDEGRAFF,
President of the Council.

CHAPTER XXXIV.

AN ACT to establish a Ferry across the Missouri River.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Grantee—term of grant.

SECTION 1. That James Davis, his heirs and assigns, shall have the privilege, for the period of fifteen years from and after the passage of this Act, of keeping and maintaining a public ferry across the Missouri river, at a point on the west bank thereof,

Location and extent.

opposite the foot of Kickapoo island, in said river; and no other ferry, within the time aforesaid, shall be established at the point aforesaid, nor within one mile above or two miles below said point. The boat or boats may land at any point within the limits aforesaid.

Of boats.

SEC. 2. The parties aforesaid shall, at all times, keep a good and safe steam or flat boat or boats, as the wants of the public may demand, in good repair, sufficient for the accommodation of all persons wishing to cross at said ferry, and shall give prompt and ready attention on passengers and teams, on all occasions,

Discretion in running boat.

and at all hours of the day; *Provided*, That they shall not be compelled to run their boat or boats in the night time, or at any other time when the crossing shall be dangerous on account of ice or other obstruction.

Rates of ferriage.

SEC. 3. The parties aforesaid shall be permitted to collect for ferriage the same rates that are charged at the ferry at Leavenworth City, and a list of such rates shall be kept posted at each landing of said ferry.

SEC. 4. That the parties aforesaid, before putting in operation said ferry, shall execute, to the Territory or State of Kansas, a bond, to be approved by the treasurer of the county in which said ferry is situated, in the sum of two thousand dollars, conditioned that they will comply with and fully observe all the conditions and provisions of this Act, the said bond to be filed in the office of the treasurer aforesaid, and may be sued upon by any parties aggrieved. Shall give bond.

SEC. 5. That the parties aforesaid shall be allowed a reasonable time, after the passage of this Act, to procure and put in a sufficient boat for said ferry; and, in case of accident to said boat, shall be allowed proper time to repair or replace the same. Time allowed to begin operations.

SEC. 6. The parties aforesaid shall pay annually, to the treasurer aforesaid, the sum of one hundred dollars, and no other tax or license shall be imposed for the privilege of maintaining said ferry; the first installment to be paid in three months after they shall commence to run said ferry. License tax.

SEC. 7. This Act shall take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House Representatives.
W. W. UPDEGRAFF,
President of the Council.

Approved January 30, 1861.
G. M. BEEBE,
Acting Governor.

CHAPTER XXXV.

AN ACT imposing a tax upon a Ferry Privilege.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That the owners of the ferry privilege at Leavenworth City, granted by the Legislative Assembly in the year eighteen hundred and fifty-five, to Garret Todd and others, shall, on the first Monday in September in each year, pay to the Treas- Ferry at Leavenworth City.

Tax imposed.

urer of Leavenworth county the sum of one hundred dollars, which sum shall be in lieu of all taxes and assessments of every kind and character, on said ferry privilege; and no additional tax, for any purpose, shall hereafter be imposed or levied upon said franchise, by the legislative or other authority.

Extension of term of grant.

SEC. 2. That the time for which the owners thereof may maintain said ferry is hereby extended fifteen years beyond the time they are now authorized, by the Act of the Legislative Assembly, to maintain the same.

Tax, how applied.

SEC. 3. The moneys contemplated by this Act to be paid by the owners of said privilege, shall go to the road fund of Leavenworth county.

Acceptance of this Act by owners of ferry.

SEC. 4. This Act shall take effect and be in force from and after its passage; and if, within thirty days after the taking effect of this Act, the owners of said ferry privilege shall file and cause to be recorded in the office of the register of deeds of Leavenworth county, a written acceptance, duly acknowledged before a notary public, of the provisions of this Act, the provisions hereof shall have the same force and effect as if they had been incorporated into and made a part of the original act granting said ferry privilege.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

Approved January 30, 1861.
G. M. BEEBE,
Acting Governor.

CHAPTER XXXVI.

AN ACT to change the name of the Cinnabar Mining Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Cinnabar changed to Boston.

SECTION 1. That the name of the Cinnabar Mining Company, incorporated by Act of Legislative Assembly approved February

27, 1860, is hereby changed to the Boston Mining Company, and shall hereafter be known by that name.

SEC. 2. This Act to take effect from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

Approved January 30, 1861.
G. M. BEEBE,
Acting Governor.

CHAPTER XXXVII.

AN ACT to incorporate the New York Mining and Tunneling Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That Christopher H. Orth, Morris Harlan, Edward M. McCook and E. Trowbridge, their associates, successors and assigns, be and they are hereby declared a body corporate and politic, by the name of the New York Mining and Tunneling Company, and by such name shall have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, in any court of law or equity in this Territory or elsewhere, and may make and use a common seal, and change the same at pleasure, and shall have power to purchase, hold, mortgage and convey any estate or property, real, personal or mixed, for the use and benefit of the said corporation, and to take, hold, and dispose of mortgages on any real estate, chattels and tenements, and are hereby invested with all powers, privileges, immunities and franchises which may be needful to carry into full effect the powers and privileges conferred by this Act. Corporators. Name and powers

SEC. 2. The said corporators, or their authorized agents or attorneys in fact, may meet at such time and place as a majority of them may designate, and organize as a board of directors; and, when organized, shall cause books to be opened for the subscription of the capital stock of said company, at such times or places as they may designate, under the supervision of such per- Organization.

son or persons as they may appoint, and may continue them open so long as they may deem proper, and may reopen such books when necessary, until the required stock shall be subscribed.

Capital stock.

SEC. 3. The capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and said company may increase its capital stock from time to time, to such amount as may be deemed necessary for the purposes herein mentioned. Such increase must be sanctioned by the vote of a majority of the stockholders, present or represented, at a meeting called by the directors of the company for that purpose, by a notice, in writing, to each stockholder, whose name appears on the transfer book of said company, thirty days prior to such meeting; such notice to be served personally or by depositing the same, properly folded and directed, to such stockholder, at the post office nearest to his usual or reputed place of residence, and paying the postage thereon, in the post office, at least thirty days prior to such meeting. Such notice must state the time and place of the meeting, and its object, and the amount to which it is proposed to increase the capital stock. The proceedings of such meeting must be entered on the minutes of the proceedings of the company, and thereupon the capital stock of the company may be increased to the amount sanctioned by a vote of a majority of all the stockholders of the company, present or represented, at such meeting as aforesaid. The capital stock of said company shall be deemed personal property, and may be called in, collected and transferred, in such manner as the said company may, by its by-laws, direct.

Commence business—meetings.

SEC. 4. The said company may commence business so soon as one-half of its capital stock shall be subscribed; and on such subscription being made, any two of the subscribers to said stock may call a meeting of the stockholders, by serving a notice on them, at least five days before the time of said meeting, stating the time and place at which it shall be held: *Provided, however*, That any other mode or time of calling said meeting shall be lawful, if all the stockholders consent thereto in writing, or are represented thereat. At the meeting convened as aforesaid, the said company shall elect, by a majority of the votes there present or represented, not less than three nor more than nine persons, being stockholders of the said company, to act as directors thereof, who shall represent the said company and manage the business thereof, and whose term of office shall last for such time as may be fixed by the by-laws of the company. In the election of di-

rectors and the transaction of all business at meetings of the stockholders, each stockholder shall be entitled to one vote, personally or by proxy, on every share appearing by the transfer books to be held by him, at the time of such meeting or election. Vacancies in the board of directors shall be filled in such manner as shall be prescribed by the by-laws of the corporation.

Officers to be elected.

SEC. 5. At the first meeting of the board of directors, they shall elect one of their number president of the said corporation, and may elect a vice president and such officers as they may deem advisable.

Government.

SEC. 6. *And be it further enacted*, That the directors of such company, for the time being, shall have power to prescribe all such by-laws, rules and regulations as may be proper and necessary to give full force and effect to the powers conferred, and the privileges granted by this Act, and which may be deemed proper respecting the business transactions of said company, and concerning the stock, property and estate of the same; and they shall furthermore prescribe the duties of the officers, agents, artificers and servants by them to be employed, and fix the liabilities of the same, and appoint such, and so many officers, clerks and servants, for carrying on the business of the said company, and with such salaries or wages as may seem reasonable.

Branch companies.

SEC. 7. The said company shall have power to create and organize branch companies for the purposes for which it is created, in any place in or beyond the limits of Kansas, and to build, hire, establish and maintain forges, furnaces and mills, and warehouses and storehouses, for the safe keeping of goods, wares and merchandise, and other property, and the transaction of business, and for such other purposes as they may deem necessary, and shall have the power to make insurance against loss or damage by fire, or the risks of navigation and transportation on any goods, wares, merchandise or other property, and shall have the power of exploring for minerals, of mining for gold and other ores and metals, and cleansing and mining and manufacturing the same, and assaying gold or other precious metals, with power to purchase, lease, hire and hold, and let and convey such mines and mining rights, and real and personal estate, as may, by said corporation, be deemed necessary or advantageous for exploring, mining, conveying, cleansing, refining and manufacturing such ores, and sell, lease and mortgage the same, or any part thereof. And for the purpose of facilitating exchanges between the several places at which the said corporation may transact business, the said company shall have power to draw, make, accept and indorse

Powers designated.

and guarantee drafts and bills, and buy, sell, and negotiate the same, and of receiving money, gold dust or other valuables, on deposit, at any of their places of business, and making money orders for the payment or delivery of the same, at any other places at which they may do business.

Of officers.

SEC. 8. The principal office of the said company shall be kept at such place as a majority of the board of directors may decide, and may be changed by a vote of two-thirds of the directors, at a meeting called for that purpose; and the said company may establish as many branches or local offices, mills, furnaces, forges, and other manufacturing and refining establishments as their business may require and as they may deem expedient.

Investment of funds.

SEC 9. The surplus or unemployed funds of the said company may be invested in real estate or in bonds, or in notes secured by mortgage on real estate, or in stocks or otherwise, as the board of directors may designate.

Erection of furnaces, forges, &c., and exaction of tolls.

SEC. 10. The said corporation shall have full power to erect furnaces, forges, mills and manufactories of all kinds, to carry on their business, construct ditches, tunnels and water courses, and build roads and bridges, and collect and exact toll from persons using said improvements; and the said company shall have the right of way over any lands through which such roads, ditches or other improvements may pass or be constructed: *Provided*, The said company pay all damages or injury which may be done by the making of such roads or other constructions, such damages to be assessed by a jury, upon the order or warrant of a court of competent jurisdiction; and such jury shall take into consideration, as well the benefits derived, as the injury done to any such premises.

Offenses against this Company, and punishment.

SEC. 11. If any person shall wilfully injure, abstract, break, destroy or deface any work, building, machinery, or any other fixtures or improvements belonging to said company, the person or persons so offending shall be deemed guilty of a misdemeanor, and shall be so punished as may be provided by law, and shall pay to the said corporation double the amount of damage sustained by means of any offense or injury, to be recovered in the name of said company, with costs of suit, by a civil action, in any court having jurisdiction of the same.

May make contingent contracts.

SEC. 12. The said corporation shall have power to make any contingent contract involving the interest of money, to receive money in trust, to accumulate the same at such rate of interest as may be obtained or agreed upon, and execute all such trusts, of every description, as may be committed to them by any person or per-

sons whatsoever, or as may be transferred to them, by order of any court or judge.

SEC. 13. The said company may, at any time, change its name, provided such change is directed by a majority of the directors thereof, at a meeting duly convened, and is approved by the president thereof, and provided such change be approved by a vote of a majority of the stockholders present or represented, at the next regular meeting of the said company, or by a meeting of such stockholders duly convened for that purpose, whereupon the said corporation shall do business by its new name, and plead and be impleaded thereby; and all the provisions of this Act shall apply to the said corporation, after such change of name, as if such new name had originally been inserted in this Act, instead of the name by which it is before designated; and such change shall not affect any rights, legal or equitable, in favor or against the said corporation. Notice of the change of name shall be published, for at least four weeks, in two newspapers published at the place where the principal office of the company is at the time located, and in such other papers as the president may direct. May change name. Notice of change of name.

SEC. 14. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

Approved ———, 1861.
G. M. BEEBE,
Acting Governor.

CHAPTER XXXVIII.

AN ACT to incorporate the Suffolk Mining Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That Cornelius Walker, Andrew McKinney and Marcus Walker, and such other persons as they may associate Corporators.

with them, and their successors and assigns, shall be and they are hereby declared to be (as soon as they shall organize under the provisions of this Act) a body corporate and politic, under the name and title of the Suffolk Mining Company, for the purpose of carrying on mining operations in such gold and silver leads and claims and copper mines, and other ores, as they now own or may hereafter become possessed, either by purchase or lease, in the westerly part of the Territory of Kansas, and by that name may sue and be sued, plead and be impleaded, answer and be answered unto in any court of law or equity, having competent jurisdiction, in the Territory of Kansas; and shall enjoy perpetual succession of officers and members; may have and use a common seal and may alter the same at pleasure; and may make, ordain and establish such by-laws, rules and regulations as they may deem necessary and expedient to carry into effect the objects of the company, which by-laws, rules and regulations shall have all the force of legal enactments: *Provided*, They do not conflict with, and are not inconsistent with, the laws of the Territory of Kansas or of the United States; and the said company shall use, exercise and enjoy all the rights, privileges and franchises incident to corporations.

Name and powers.

Hold and convey estate.

SEC. 2. *And be it further enacted*, The corporation above named, and hereby created, shall, in its corporate capacity, be capable, in law, of purchasing, holding, selling and coveying any real and personal estate which may be deemed necessary to enable the said company, officially, to carry on the operations named in the first section of this Act; and the said company is hereby empowered and authorized to construct bridges and water-courses, when deemed advisable, in order to open and work mines and obtain the ores thereof; to purchase all necessary machinery, tools, implements and apparatus for mining purposes; to erect suitable and necessary buildings; all which property above specified, consisting of real and personal estate, machinery, tools, implements, horses, mules, oxen, wagons and mining claims shall be liable for the debts of the said company.

May construct bridges, water-courses.

Capital stock.

SEC. 3. *And be it further enacted*, That the capital stock of said company shall be fifty thousand dollars, divided into as many shares as the said company may determine in their by-laws, which capital stock may be increased to an amount not exceeding fifteen hundred thousand dollars; and shares may be created therein, in whole or in part, as may be determined, from time to time, by said company by a vote of two-thirds of the originally subscribed stock, as represented on the books of said

company, which vote shall be taken and recorded acording to the rules and by-laws of the company.

SEC. 4. *And be it further enacted*, That the by-laws of said company may fix and declare the number of officers and agents the company may deem necessary for carrying out the objects thereof, and shall regulate and prescribe the manner in which the same shall be appointed, their duties, salaries and liabilities, and shall fix the time for paying of dividends, and the manner of transferring the stock of said company by any member thereof. Of officers and agents.

SEC. 5. This Act shall be in force and take effect from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives,
W. W. UPDEGRAFF,
President of the Council.

Approved January 30, 1861.
G. M. BEEBE,
Acting Govornor.

CHAPTER XXXIX.

AN ACT to incorporate the Glendale Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That W. Doudna, E. Gilbert, Henry Leslie, D. M. Harlin, A. G. Wood, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the Glendale Town Company, and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded in all matters whatsoever. Said company is authorized to have and use a common seal and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs. Corporators. Name and powers.

SEC. 2. The said company shall have power to provide by-laws for the election of such officers, and at such time or times, as may be necessary to carry out the business of the company; and all deeds for the conveyance of the real estate of the com- Government.

pany shall be signed by such officers as the company may, by by-laws designate, and, when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this Territory or elsewhere.

Hold and convey estate.

SEC. 3. The corporation shall have power to purchase and hold, by pre-emption or otherwise, any quantity of land in this Territory, where the town of Springdale, in the county of Cherokee, is now located, not to exceed three hundred and twenty acres, and to lay the same off into parks, squares, lots, alleys and streets, and to sell, dispose of and convey the same.

Stock deemed personal property.

SEC. 4. The stock of the company shall be deemed personal property; and the company may, by by-laws prescribe rules for the transfer of the same by each individual stockholder.

SEC. 5. This Act shall take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Reprerentatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor without his signature, and with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law, this second day of February, A. D. 1861.

W. W. UPDEGRAFF,
President of the Council.
JOHN W. SCOTT,
Speaker of House of Representatives.

CHAPTER XL.

AN ACT to incorporate the Geneva Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Corporators.

SECTION 1. That Levi L. Northrup, A. G. Carpenter, Ephraim Fisk and G. S. Northrup, their associates and successors, be and they are hereby constituted and declared a body corporate

and politic, under the name and style of the "Geneva Town Company," and by that name shall make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company shall be authorized to have and use a common seal, to alter the same at pleasure, and to make such by-laws and regulations as shall be deemed necessary for the government of the company and the management of its affairs. Name and powers.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter, by pre-emption or otherwise, any quantity of land in the county of Allen, Territory of Kansas, not exceeding six hundred and forty acres, and to lay off the same into parks, squares, lots, streets and alleys, and to sell and dispose of and convey the same at pleasure. Hold and convey estate.

SEC. 3. The said company shall have power to elect such officers, at such times and for such periods, as may be necessary to conduct the business of the company; and all deeds for the conveyance of the real estate of the company shall be signed by the presiding officer, and, when so signed and acknowedged, shall be deemed and held a sufficient authentication of such deeds, in all courts of this Territory or elsewhere. Government.

SEC. 4. Said company shall have power to add to their number, and to fill such vacancies as may occur from time to time. May add members and fill vacancies.

SEC. 5. This Act shall take effect from the date of its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor with his objections thereto, and after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law, this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER XLI.

AN ACT to incorporate the Havana City Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Corporators.

SECTION 1. That M. Beach, A. Myer, F. Aderhold, F. Holzenter, C. Stotlet, F. Hackman, F. Spies and F. Kotcany, their associates and successors, are hereby constituted and declared a body corporate and politic, by the name and style of "Havana City Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at their pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Name and powers.

Hold and convey estate.

SEC. 2. The said company shall have power to hold and dispose of at pleasure, and to improve the same, all and singular of the lands now held by the association aforesaid, namely: the southeast and southwest quarters of section number twelve (12), in township fifteen (15) south, in range number thirteen (13) east of the sixth principal meridian; also, the northwest and northeast quarters of section number thirteen (13), in township fifteen (15) south, in range number thirteen (13) east of the sixth principal meridian, and to lay off the same into parks, squares and lots, and to sell and dispose of and convey the same by deeds, and to purchase and re-convey any portion of the same, when necessary in transacting the legitimate business of said company.

Location.

Officers.

SEC. 3. That the stockholders of said company shall be the directors to transact the business of said company. The stockholders shall choose from their own body a president, a secretary and a treasurer, whose duties shall be prescribed by the by-laws.

Quorum.

SEC. 4. That six members of the association, including three of the officers above named, shall constitute a quorum for the transaction of business, and all acts done by them shall be binding on the corportion.

Transfer of stock.

SEC. 5. That the said corporation may, by by-laws, prescribe rules for the transfer of stock and shares in said town, and shall have power to tax the said stock and shares, for the purpose of making roads, and for other necessary purposes.

SEC. 6. All deeds or other instruments, in writing, conveying any real estate of said company, shall be duly executed and acknowledged, as other conveyances of real estate, and, when so signed and acknowledged by the President and Secretary, shall be deemed and held sufficient execution and authentication thereof, in all courts of this Territory or elsewhere. Conveyance—authentication.

SEC. 7. The said company shall have power to erect buildings, for dwellings, manufactories and machinery, and such other improvements as tend to promote the interests of the company and for the general prosperity of the town. Power to erect buildings.

SEC. 8. It is the intention of this Act to grant no right or privilege inconsistent with or contrary to the laws of Congress in relation to town sites. Intention of this Act.

SEC. 9. This Act shall take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor, with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER XLII.

AN ACT to amend an Act to incorporate and establish the City of Leavenworth, &c.; also, to amend an Act amendatory of said Act, approved February 27, 1860.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. That section eight of an Act, approved February 27, 1860, amendatory of an Act to incorporate and establish the Former Act, how construed.

city of Leavenworth, &c., shall not be construed to embrace in its provisions, judgments or decrees rendered against said city at the time or since the passage of said amendatory Act.

Certain fund not subject to attachment.

SEC. 2. That the special fund of said city, hereinafter enumerated, shall not be subject to attachment, execution, levy or sale, or any mesne or final process, issued out of any court in this Territory, unless the suit on which said process was issued is founded on a claim against the special fund, sought to be applied to the payment of said claim.

The fund designated.

SEC. 3. That the special funds of said city are interest on bonds, sinking fund, school fund, school site, criminal, wharfage and market fund.

SEC. 4. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER XLIII.

AN ACT to incorporate the City of Marysville, Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

ARTICLE I.

Description of city.

SECTION 1. That all that district of country described as follows, to wit: The south half of section twenty-eight, and the

north half of section thirty-three, in township number two south, of range seven east, embracing the same lands as were formerly known as the towns of Marysville, Palmetto and Ballard, and Morrell addition to the town of Palmetto, is hereby erected into a city by the name of the "City of Marysville," and the inhabitants thereof are hereby constituted a body corporate and politic, by the name and style of the "City of Marysville," and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in any and all courts of law or equity, and in all actions whatsoever; may contract and be contracted with; may purchase, receive and hold property, both real and personal, within said city, and may sell, lease, convey, or otherwise dispose of the same, for the benefit of the city; may purchase, receive, hold, lease or convey property, both real and personal or mixed, beyond the limits of the city, to be used for the burial of the dead, for the erection of water works, for the establishment of hospitals, poor houses, work houses, houses of correction, or for any purposes which may tend to the general good of the city; may subscribe to the capital stock of any railroad coming into or going out of said city; and may have a common seal, and change the same at pleasure. Name and powers

SEC. 2. That the corporate powers and duties of said city shall be vested in a mayor and board of aldermen, to be styled "The City Council of the City of Marysville." Powers vested in whom.

SEC. 3. That the inhabitants of said city, by the name and style aforesaid, shall have power to provide and establish, by ordinance, all necessary organic and municipal laws, rules and regulations for the government of the inhabitants, and enforcing the same; to pass all ordinances that may be necessary to carry any of the provisions of this charter into effect; to pass any ordinance necessary for the well being of the inhabitants; and pass and provide for the enforcement of any and all ordinances which may be deemed right and proper, and not inconsistent with the Constitution of the United States and the Organic Act and laws of this Territory. Of Government of City.

SEC. 4. That the enacting clause of all ordinances shall be, "Be it ordained by the Mayor and Aldermen of the City of Marysville;" and all ordinances shall be published in a newspaper published in said city, at least three weeks before the same shall take effect and be enforced, and no ordinances shall be enforced until so published. Enacting clause of ordinances.

Qualification of voters.

SEC. 5. That all qualified electors of the Territory of Kansas, who shall have resided within the corporate limits of the said city three months next preceding any election, shall be deemed qualified electors in said city, in the ward in which they reside.

ARTICLE II.

Permanent officers.

SECTION 1. That the permament officers of said city of Marysville shall be a mayor, six aldermen, city clerk, marshal, assessor, treasurer, attorney, city engineer, and street commissioner, and such other officers as may be created or established by ordinance. All officers, except those above mentioned, shall be appointed by the mayor and aldermen.

Who eligible to an elective office.

SEC. 2. That no person shall be eligible to an elective office unless he shall have resided within the corporate limits of said city one year prior to his election.

Election in April 1861.

SEC. 3. That an election shall be held in said city, on the first Monday in April, 1861, for the election of the aforesaid officers, at such place and time of day as the inspectors, hereinafter named, shall designate, and of which the inspectors shall give at least six days notice, by posting written or printed notices of the same in six different places in said city, and by publishing the same in a newspaper printed in said city, if there be a newspaper printed therein. The officers elected at the first election shall hold their offices until the first Monday in January, A. D. 1862, except the mayor, who shall hold his office until the first Monday in January, A. D. 1863. All officers, except the mayor, shall be elected annually, on the first Monday in January, except the first election, as above provided. The mayor shall hold his office for two years, after the first term.

Inspectors of first election.

SEC. 4. That A. E. Lovell, Jacob Wiesbach and Thomas W. Waterson shall be the inspectors of the first election to be held under this Act, on the first Monday in April, A. D. 1861. Such election shall be held and conducted, and the votes given thereat canvassed by the said inspectors, and the result declared in the manner prescribed in this Act for other elections, so far as the same is practicable; and, in case any of the above named persons shall be unable or refuse to serve as such inspector, then the remaining persons so named are empowered and required to fill the vacancy caused by such inability or refusal to serve at such election. The inspectors, before entering upon their duty, shall take and subscribe to an oath, that they will support the constitution of the United States, and support and sustain an Act to organize the Territories of Nebraska and Kansas, and faithfully

Election, how conducted.

and impartially to discharge their duties as inspectors of election. That the city council shall have power, by ordinance to make all necessary rules and regulations for conducting elections after the first election under this Act.

ARTICLE III.

City Council.

SECTION 1. That there shall be, in said city, a city council, which shall consist of a mayor and board of aldermen, which board of aldermen shall consist of six members; said members to be chosen in the respective wards of the city, as they may be apportioned thereto by ordinance.

Ward divisions.

SEC. 2. That said city shall be divided, whenever the city council shall deem it expedient, into wards, not more than six, and the number of aldermen to be elected shall be apportioned thereto by ordinance.

Removal, when to create vacancy.

SEC. 3. That, if the mayor, aldermen, or any other officer, shall remove from the city, or any alderman shall remove from the ward from which he is elected, his office shall be thereby vacated.

City Council—contested elections.

SEC. 4. That the city council shall judge of the qualifications, elections and returns of their members, and shall determine all contested elections in such manner as may be regulated by ordinance.

Of quorum—power to compel attendance.

SEC. 5. That a majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and shall have power to compel the attendance of absent members, under such penalty as may be provided, by rules of the city council, for their own government.

Power over its proceedings.

SEC. 6. That the city council shall have power to determine the rules of its own proceedings, punish disorderly conduct, and, with the concurrence of two-thirds of its members, to expel any member; but no member shall be expelled a second time for the same offense.

Shall keep a journal.

SEC. 7. That the city council shall keep a journal of its proceedings, and, from time to time, publish the same; and the yeas and nays, when demanded by any member, shall be entered upon the journal.

Vacancies filled by election.

SEC. 8. That no alderman shall be appointed, but, in all cases of vacancy, it shall be filled by an election, under such regulations as may be prescribed by ordinance.

All officers to take an oath, &c.

SEC. 9. That all officers, either elected or appointed, shall, before entering upon their duties, take and subscribe an oath that they will support the constitution of the United States, the

organic law of this Territory, and faithfully comply with, and carry out, the provisions of this charter, and well and truly perform the duties of their office impartially, and to the best of their skill and ability.

ARTICLE IV.

Powers and duties of mayor.

SECTION 1. That the mayor shall preside at all meetings of the city council, and shall have a casting vote when the aldermen are equally divided, and none other; shall sign all bills before they shall become ordinances, but may refuse or decline to sign any bill which he may deem inexpedient, or in violation of any provision of this charter; and, upon such refusal, shall, at or before the next regular meeting of the city council after the passage of such bill, return the same, with his objections thereto, in writing. Thereupon, the council shall reconsider said bill, and dispose of the same by yeas and nays, entered upon their journal, and, if a majority of the whole city council shall vote yea on said bill, it shall become an ordinance without the signature of the mayor.

Veto power.

SEC. 2. That, if the mayor refuse to return to the council, at its next regular meeting, any bill submitted to him for his signature, it shall become an ordinance without his signature.

General control vested in mayor.

SEC. 3. That the mayor shall have superintending control of all the officers and affairs of the city, and shall take care that the ordinances of the city, and this charter, are enforced and complied with.

Mayor to sign commissions.

SEC. 4 That the mayor shall sign all commissions of all officers elected or appointed in the city government.

Recommendations to council.

SEC. 5. That the mayor shall, from time to time, communicate to the city council such information, and recommend such measures, as, in his opinion, may tend to the improvement of the finances of the city, the police, health, security, ornament, comfort and general prosperity of the city.

Special council meetings.

SEC. 6. That the mayor, or any two aldermen, shall have power to call special meetings of the city council, the object of which shall be submitted to the council, in writing; and the call and object, as well as the disposition thereof, shall be entered upon the journal by the clerks.

Power to compel exhibit of books of any officer.

SEC. 7. That the mayor shall have power, when he deems it necessary, to require any officer of the city to exhibit his accounts, or other papers, and to make report to the council, in writing, touching any subject or matter he may require, pertaining to his office.

Of President pro tem. of Council.

SEC. 8. That, at the first meeting of the city council, after any general election for city officers, the board of aldermen shall elect, from their own number, a president *pro tem.*, who shall, in the absence of the mayor, preside over the city council.

President of Council to act as mayor.

SEC. 9. That, when any vacancy shall happen in the office of mayor, by death, resignation, absence from the city, removal from office, refusal to qualify, or otherwise, the president of the council, for the time being, shall exercise the office of mayor, with all the rights, privileges and jurisdiction of the regular mayor, until such vacancy be filled, or such disability removed, or, in case of a temporary absence, until the mayor shall return; and, during the time, he shall receive the same compensation that the mayor would have been entitled to have received; and, in case of a vacancy in the office of mayor, other than a temporary absence or disability, the aldermen shall elect a mayor for the unexpired term for which said mayor was elected.

Pardoning power.

SEC. 10. That the mayor of said city is hereby authorized to remit fines and forfeitures; to grant reprieves and pardons.

ARTICLE V.

Mayor to have criminal jurisdiction.

SECTION 1. That the mayor shall have exclusive original criminal jurisdiction of all offenses, arising under the ordinances of this city; and the person holding the office of mayor, in said city of Marysville, is hereby declared a justice of the peace, and shall have all the power and jurisdiction of a justice of the peace, in civil cases, and exclusive original jurisdiction in all cases arising within this city.

Mayor's fees in certain cases.

SEC. 2. He shall be entitled to the same fees as are, by law, allowed to justices of the peace, and, in the conduct of his court, shall be governed by the laws of the Territory concerning justices of the peace.

Right of appeal.

SEC. 3. That, in all cases before the mayor, arising under any ordinances of this city, an appeal may be taken on a final judgment wherein the amount, exclusive of costs, amounts to ten dollars or upwards, and the same right of appeal as is by law allowed in justices' courts; but no such appeal shall be allowed by the mayor unless the appellant shall enter into an undertaking, in double the amount of fine and costs, conditioned that he will pay all costs and damages, in case he shall be adjudged to pay them. All appeals from the mayor's court shall be to the district court.

Fees of officers and witnesses in mayor's court.

SEC. 4. That the fees of officers and witnesses, for services performed in the mayor's court, shall be the same as are allowed before justices of the peace.

In jury trials.

SEC. 5. That, in all cases where a jury may be demanded, by the party charged, the proceedings shall be regulated by the law regulating the summoning and drawing of jurors before a justice of the peace.

ARTICLE VI.

Duties of marshal

SECTION 1. That the marshal shall execute all writs, process or other papers issued by the mayor; he shall, also, have power and authority to perform all the duties imposed upon him by ordinance.

Same.

SEC. 2. That the marshal shall perform all such duties as are, by ordinance, imposed upon him. He shall be a conservator of the peace; shall be vigilant and active in the suppression of all riots, mobs and disorderly conduct in the city, and, for this purpose, may arrest suspicious or disorderly persons, even without process, and take them before the mayor for trial and examination. He shall have power to commit disorderly persons to the city prison, or other place of safe keeping, until examination or trial can be had, and shall be chief of the police of the city, subject to the general control and supervision of the mayor.

Shall be collector of taxes.

SEC. 3. That he shall, by virtue of his office, be collector of the taxes and all revenues within the city, and shall receive such fees, and give such bond and security for the performance of his duties as marshal, as may be prescribed by ordinance.

ARTICLE VII.

Power of council to levy tax.

SECTION 1. That the city council shall have power to levy and collect taxes upon all real and personal property, within the limits of the city, for the purpose of general revenue, not to exceed one half of one per centum upon the assessed value thereof, in each year, in any manner to be previously provided by ordinance.

Sale of real estate for non-payment of taxes.

SEC. 2. That to provide for the sale of real estate, for the non-payment of any taxes due thereon, and for the time and manner of the redemption of the same: *Provided*, That the owner thereof may redeem the same at any time within two years thereafter, by the payment of the full amount of said tax, and all taxes subsequently paid thereon by the purchaser, and all costs and charges thereon, together with twenty-five per cent. per annum thereon.

License tax.

SEC. 3. That to levy and collect a license tax on auctioneers, taverns, hawkers, peddlers, dram shops, liquor sellers, pawn brokers, shows and exhibitions for pay, billiard tables, ball and ten pin alleys, or any number of pins the same may have; hacks,

drays, wagons, or other vehicles used within the city for pay; theatres and theatrical exhibitions for pay.

May restrain what.

SEC. 4. That to restrain, prohibit and suppress tippling shops, billiard tables, ten pin alleys, ball alleys, houses of prostitution, and other disorderly houses and practices, gaming and gaming houses, and all kinds of public indecencies.

Control of streets.

SEC. 5. That to open, widen, extend, grade, pave, or otherwise improve and keep in repair the streets, alleys and public grounds of the city, and to repair and keep in order all roads leading into or out of the city, for the distance of five miles from the city limits.

Appropriate money.

SEC. 6. That to appropriate money and provide for the payment of the debts and expenses of the city.

Shall publish finance statement

SEC. 7. That the city council shall cause to be published, once in each year, a statement of the receipts and expenditures of the city, and a statement of the financial condition of the city.

ARTICLE VIII.

Power over streets

SECTION 1. That the city council shall have power to extend, open and widen any street, avenue, alley or lane, at their discretion, at any place within the city, and to create or open any new street, avenue, alley or lane, at their discretion.

Compensation for use of private property.

SEC. 2. That, when it shall be necessary to take any private property for opening, extending, widening or altering any street, avenue, alley or lane, the city shall make a just compensation therefor, to the person whose property is so taken.

Special tax for paving.

SEC. 3. That the city council shall have power, by ordinance, to levy and collect a special tax on the holders of lots in any street, avenue, alley or lane, according to the respective fronts owned by them, for the purpose of curbing and paving the sidewalks.

ARTICLE IX.

Common schools.

SECTION 1. That the council of said city are hereby authorized and empowered, at the expense of said city, to provide for the support of common schools therein.

School districts.

SEC. 2. That the city council of said city shall have power, and they are hereby authorized, to divide the City of Marysville, by territorial limits, into school districts, in such manner as shall be most convenient, having due regard to the accommodation of all citizens.

Sites for school buildings.

SEC. 3. That the city council are hereby authorized and empowered to purchase, in fee simple, or to receive, as a donation, for the use of said city, and at the expense of the same, in each

of said school districts, a suitable lot of ground in some central and convenient situation, as a site for a school house thereon, and, at any time thereafter, to cause to be erected thereon, a good and substantial school house, and to defray the necessary expenses of the building and construction of said school houses, also, to pay the purchase money for the lots of land on which the same shall be erected. It shall be lawful for said city council, annually, to levy, or cause to be levied, in addition to the other taxes of the city, a tax, not greater than one mill on the dollar, upon all property in said city liable to taxation for city purposes, until a sufficient sum shall be raised and collected from such tax, to meet the expenses which shall be incurred for the purchase of lots of land, and for the erection of the school houses aforesaid.

General school tax.

SEC. 4. That, for the purpose of more effectually supporting common schools in said city, and to secure the benefits and blessings of an education to all the children therein, the city council are hereby authorized to levy and collect an annual tax of two mills on the dollar upon all the property in said city subject to taxation for city purposes, which tax shall be exclusively appropriated to defray the necessary expenses of said schools.

Of scholars.

SEC. 5. That said schools, in the several districts of said city, shall, at all times, be equally free and accessible to the children, not less than five nor more than twenty-one years of age, who may reside therein, and subject only to such regulation for their government and instruction as the trustees hereinafter mentioned, may, from time to time, prescribe: *Provided*, That nothing in this Act contained, shall be so construed as to permit black or mulatto persons to attend said school, or either of them, or to receive instruction therein; but all taxes assessed on the property of black or mulatto persons, in said city, for school purposes, shall be appropriated, as the trustees hereinafter mentioned may direct, for the education of black or mulatto persons in said city, and for no other purpose whatever.

Colored children.

Trustees of schools.

SEC. 6. That, at the next annual election for city officers in the said city, and at each annual election thereafter, the qualified voters of each ward shall elect two judicious and competent persons, having the qualification of aldermen, as trustees of common schools in Marysville, which trustees, elected as aforesaid, shall constitute and be demoninated "The board of trustees of common schools in Marysville," who shall hold their office one year, or until their successors shall be elected and qualified, and fill all vacancies that may occur in their own body, during the

time for which they shall be elected, subject to the confirmation of the city council.

Powers and duties of school board.

SEC. 7. That said board shall have general superintendence of all the common schools in said city, and, from time to time, make such regulations for the government and instruction of the children therein, as shall appear proper and expedient. They shall appoint and employ the teachers and instructors for the same, and visit each and every such school as often as once in every month; they shall cause a school to be kept in each district, at such time and for such term as may hereafter be prescribed by ordinance; they shall certify to the city council the correctness of all accounts for expenses incurred in the support of said schools, and give the teachers, employed therein, certificates of the amount due for such service; they shall, at the close of every current year, report to the city council the state and condition of the several schools in said city, as well the fiscal as the other concerns in relation thereto, and a particular account of their administration thereof: *Provided*, That no person shall be employed as teacher in any of said schools until he or she shall have been first examined by the board of examiners hereinafter mentioned, and have obtained from said board a certificate of qualification as to his or her competency and moral character.

Moneys collected for school purposes.

SEC. 8. That all money levied and collected in said city for the support of common schools, shall be paid into the city treasury, which money shall be kept in the city treasury as a separate fund, and the same shall not be applied, under any pretense whatever, to any other use than that for which it was levied and collected; and separate and particular accounts of the receipts and expenditures thereof, shall be kept by the treasurer, in a book to be provided for that purpose.

Quorum.

SEC. 9. That a majority of all the members of said board shall constitute a quorum for transacting the business thereof.

Seat of member of board when declared vacant.

SEC. 10. That, if any member of said board shall absent himself from the regular meeting of said board for six successive weeks, unless by reason of sickness or absence from the city, or by consent of said board, his seat shall be declared vacant.

School examiners.

SEC. 11. That it shall be the duty of the city council to appoint five persons, residents and citizens of said city, of competent learning and ability, as examiners of said schools, and of the qualifications of the teachers thereof, who shall be denominated "The board of examiners of common schools in Marysville," who shall hold their office for two years, and all vacancies

in said board shall be filled by the city council, as they may occur.

Duties of board of examiners.

SEC. 12. That it shall be the duty of said board of examiners to examine the qualifications, competency and moral character of all persons desirous of becoming teachers in said schools, or any of them, a majority of whom can grant a certificate thereof to such as, in their opinion, may be entitled to receive the same; they shall, from time to time, strictly examine all said schools, the discipline and course of instruction in each, and shall make a report of all matters pertaining to the duties of their office, as often as once in each year, to the city council.

Council to provide certain regulations.

SEC. 13. That the city council shall fix, by ordinance, such rules and regulations for the government of said schools, and for the duties of the board of trustees and examiners, as may be necessary to carry the provisions of this Act into effect.

Acts repealed.

SEC. 14. That all Acts and parts of Acts now in force, inconsistent with any of the foregoing provisions, are hereby repealed and declared inoperative and void, so far as they apply to the inhabitants of the city of Marysville.

Of ordinances and by-laws.

SEC. 15. That all ordinances and by-laws of the inhabitants of the city of Marysville shall be and remain in full force and effect until the same are repealed, by ordinance or otherwise, under the provisions of this Act, and that all officers now acting under the provisions of the said incorporation, shall hold their respective offices until the officers provided for by this Act are elected and qualified.

Former powers and obligations continued.

SEC. 16. That all the rights, privileges and immunities accruing to the said inhabitants of the city of Marysville, under their present incorporation, shall be and are hereby vested in the said city of Marysville, and that all debts and liabilities, now due or hereafter to become due, against the incorporation of the inhabitants of the city of Marysville, shall be assumed and paid by said city of Marysville.

Duties of officers under former incorporations.

SEC. 17. That, upon the election and qualification of the officers, under the provisions of this Act, it shall be the duty of the officers holding office under the provisions of the Act incorporating the said inhabitants of the city of Marysville, to deliver to the mayor, elected and qualified under the provisions of this Act, all moneys, books, papers, accounts, and other property belonging to the said incorporation, in their hands or under their control.

SEC. 18. That this Act is hereby declared a public Act, and shall be in force and effect from and after its passage. A public Act.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law, this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

CHAPTER XLIV.

AN ACT to incorporate the inhabitants of Shawnee, in Johnson county, Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. All the inhabitants of section eleven, in township twelve, south of range twenty-four east, in Johnson county, Kansas, shall be and they are hereby incorporated under the name and title of Shawnee, and by that name shall have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity, and in all matters whatsoever; may grant, purchase, receive and hold property, real, personal or mixed; may have a common seal and may alter or change the same at pleasure. Description of Shawnee. Name and powers

SEC. 2. The corporate powers of said incorporation are hereby vested in a mayor and six councilmen, to be called the council of Shawnee. Powers vested in whom.

SEC. 3. The council of Shawnee shall be composed of persons who are citizens of the United States, and legal voters of the Territory of Kansas, and shall have resided in said corporation for six months preceding their election, and shall be elected by actual residents of said Shawnee, over twenty-one years of age; Qualification of Councilmen.

the first annual election to take place on the first Monday in March, A. D. 1861, and on the first Monday in March in each succeeding year, at such place as the judges of election, hereinafter appointed, shall designate, subject, however, to the future action of said Shawnee council.

Judges of first election — their duties.

SEC. 4. J. D. Allen, W. B. Maupin and Wm. Holmes, are hereby appointed judges of said first election, whose duty it shall be to post up notices of said election within said town, ten days previous to the specified time for said election, and whose certificate of election shall be evidence of the election of mayor and councilmen therein named, and authorize the persons therein stated, to act as such mayor and councilmen till their successors are duly elected and qualified.

Powers of council

SEC. 5. The council shall have power to pass all ordinances necessary for the good of said town and not inconsistent with the constitution of the United States or the laws of the Territory of Kansas; may appoint such town officers as may be necessary to carry out the ordinances of said Shawnee council.

Powers and duties of mayor.

SEC. 6. The mayor shall have all the powers and privileges of a justice of the peace, within the corporate limits of said town, in all matters arising under the ordinances of said corporation, and shall sit on the trial of all violations of any of the ordinances, and shall do and perform all duties under and by virtue of any ordinances prescribed by said council; *Provided*, That in case of vacancy of such mayor, any justice of the peace in the township in which said Shawnee is situated, shall have and possess all the judicial powers and duties of such mayor, under any of such ordinances; and such mayor shall receive the same fees as a justice of the peace for like services.

Of elections, ties and vacancies.

SEC. 7. In all elections for mayor and councilmen, the persons having the highest number of votes shall be declared duly elected, and all ties may be decided, and all vacancies, in the council or elsewhere, filled, in such manner as may be prescribed by ordinance.

Council to appoint Judges of election.

SEC. 8. For all elections of the council, subsequent to the first, the council shall appoint the judges of elections, residents and legal voters of said Shawnee, who shall perform the same duties as required of the judges of election, herein appointed.

Powers of council specified.

SEC. 9. The council shall have power, by ordinance, to levy and collect a tax on all property subject to taxation, not exceeding the one-half of one per cent., and to prevent and remove nuisances; to prevent and restrain bawdy and gambling houses, and

other disorderly houses, and to punish, by fine, the keepers of the same; to restrain and prohibit tippling houses, dram-shops, ten pin alleys and other gambling devices, and to punish, by fine, the keepers thereof; to regulate circuses, shows and other amusements; to prevent and punish the discharge of fire-arms in said Shawnee; to protect property from fire; to prevent the introduction of and spread of diseases; to prevent breaches of the peace, and to punish the same, and, by ordinance, to do all other acts necessary for the peace and well being of said Shawnee.

Same. SEC. 10. The council shall have power to open and keep in repair all streets and alleys of said Shawnee.

Of Juries. SEC. 11. In all trials, had under the ordinances of the said council, either party shall, on demand, be entitled to a jury of six good and lawful men, and, also, an appeal to the district court of the county, on the like terms and conditions as an appeal may be allowed from a justice of the peace.

SEC. 12. This Act to take effect and be in force from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.

W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor without his approval, and with his objections, and having been passed, after reconsideration, by a two-thirds vote of both Houses, it has become a law, this second day of February, A. D. 1861.

W. W. UPDEGRAFF,
Speaker of the Council.

JOHN W. SCOTT,
Speaker of House of Representatives.

CHAPTER XLV.

AN ACT to exempt certain Lands from the provisions of an Act entitled "An Act to incorporate the city of Sumner."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

Land exempt from provisions of charter of Sumner.

SECTION 1. That the following described tracts of land are hereby exempted from the operations of an Act entitled "An Act to incorporate the city of Sumner," to-wit: All that portion of the south west quarter of section seventeen (17), township six (6), range twenty-one (21) east; and all that portion of the north east and south east quarters of section nineteen (19), and the south west quarter of section twenty (20), township six (6), range twenty-one (21) east, not included in the Sumner town site, as exhibited by the plat of said town of Sumner, as recorded in the office of the register of deeds in and for the county of Atchison and Territory of Kansas.

SEC. 2. This Act to take effect from and after its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor without his signature, and with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law, this second day of February, A. D. 1861.

W. W. UPDEGRAFF,
President of the Council.
JOHN W. SCOTT,
Speaker of House of Representatives.

CHAPTER XLVI.

AN ACT to amend an Act entitled "An Act to incorporate the White Cloud City Company," passed 1858, and the amendments to said Act, and to legalize certain acts therein named.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

What shall constitute a quorum.

SECTION 1. That, at any regular meeting of the stockholders of the White Cloud City Company, the stockholders and proxies present shall be deemed sufficient to transact business: *Provided*, They represent one half of the stock of the company.

After thirty days' notice, a majority present may transact business.

SEC. 2. That if, at any regular meeting of the stockholders of the company, one half of its stock shall not be represented, the president of the said company may, by giving thirty days' notice, call a special meeting, at which the stockholders or proxies, in attendance, representing a majority of stock present, may transact the business of the company.

Acts of proxies made valid.

SEC. 3. That the stockholders may act either in person or by proxy.

SEC. 4. That the votes heretofore given, and the acts done, by proxy, at any meeting of the company, when not otherwise illegal, and all conveyances of land or lots, or bonds for the conveyance of the same, heretofore executed by the officers of the company, elected in accordance with the foregoing section, are hereby confirmed and made valid.

Certain property remain under the control of the stock holder.

SEC. 5. That the following real estate of the company, to wit: All lying south of Alabama street, except blocks one hundred and eighty-three and one hundred and ninety-two; all west of V street; all west of O street and north of Minnesota street, and all north west of Spring street, shall not be included in the city plat, filed in the office of the recorder of Doniphan county, but that the said real estate shall be held by the company, as other lands, for the use and benefit of the stockholders, and controlled, in all respects, as the other property of the company.

Streets, &c., declared vacant.

SEC. 6. That the streets, alleys, public grounds and thoroughfares, except county and Territorial roads, embraced in that part of the city plat described in section five, be and are hereby declared vacant.

SEC. 7. This Act to take effect and be in force from and after the time of its passage.

JOHN W. SCOTT,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

This Bill, having been returned by the Governor, with his objections thereto, and, after reconsideration, having passed by a vote of two-thirds of both Houses, it has become a law, this second day of February, A. D. 1861.

JOHN W. SCOTT,
Speaker of the House of Representatives.
W. W. UPDEGRAFF,
President of the Council.

AUTHENTICATION.

I, GEORGE M. BEEBE, Secretary of the Territory of Kansas, do hereby certify that the foregoing laws are true and correct copies of the Enrolled Bills on file in my office, passed at the General Session of the Legislative Assembly of said Territory, for the year 1861, clerical errors and corrections excepted.

Given under my hand this fifth day of March, A. D. 1861.

G. M. BEEBE,

Secretary of Kansas Territory.